



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/251,781      | 02/17/1999  | RUDOLF SUPE-DIENES   |                     | 3703             |

30996 7590 04/20/2004

ROBERT W. BECKER & ASSOCIATES  
707 HIGHWAY 66 EAST  
SUITE B  
TIJERAS, NM 87059

EXAMINER

DEXTER, CLARK F

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3724

30

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/251,781

Applicant(s)

SUPE-DIENES, RUDOLF

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-36 is/are pending in the application.  
 4a) Of the above claim(s) 22-34 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 18-21, 35 and 36 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:  
 1. ☒ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The amendment filed February 6, 2004 has been entered.

#### ***Claim Rejections - 35 USC § 112***

2. Claims 18-21, 35 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, line 5, it seems that "having" should be changed to --further comprising-- or the like for clarity; in line 6, "a circular blade" is vague as to whether it refers to that previously set forth or to another such blade, and it seems that "a" should be changed to --the-- or --said-- as previously suggested; also in line 6, "in" appears to be inaccurate, and it seems that it should read --on-- or --by-- or the like; in line 12, the recitation "thereby overcoming the force of a return spring" is vague and indefinite as to what is being set forth as part of the claimed invention, particularly since it is not clear as to whether the return spring is intended to be part of the claimed invention, and, if the return spring is intended to be part of the claimed invention, it is suggested to add a positive recitation of such; in line 16, the recitation that the advancing piston is "guided" is vague since it is not clear, for example, how the piston 20 is guided, that is, sufficient structure has not been set forth to perform such a guiding function.

In claim 19, lines 2-3, "said pressure device" lacks antecedent basis.

In claim 21, line 3, "said pressure device" lacks antecedent basis.

In claim 35, line 5, it seems that "having" should be changed to --further comprising-- or the like for clarity; in line 6, "a circular blade" is vague as to whether it refers to that previously set forth or to another such blade, and it seems that "a" should be changed to --the-- or --said-- as previously suggested; also in line 6, "in" appears to be inaccurate, and it seems that it should read --on-- or --by-- or the like; in line 10, "said blade member" lacks antecedent basis; in lines 11-12, the recitation "thereby overcoming the force of a biasing element" is vague and indefinite as to what is being set forth as part of the claimed invention, particularly since it is not clear as to whether the biasing element is intended to be part of the claimed invention, and, if the biasing element is intended to be part of the claimed invention, it is suggested to add a positive recitation of such; in line 14, the recitation that the advancing piston is "guided" is vague since it is not clear, for example, how the piston 20 is guided, that is, sufficient structure has not been set forth to perform such a guiding function.

In claim 36, line 5, it seems that "having" should be changed to --further comprising-- or the like for clarity; in line 6, "a circular blade" is vague as to whether it refers to that previously set forth or to another such blade, and it seems that "a" should be changed to --the-- or --said-- as previously suggested; also in line 6, "in" appears to be inaccurate, and it seems that it should read --on-- or --by-- or the like; in line 10, "said blade member" lacks antecedent basis; in line 9, "said biasing element" lacks antecedent basis; in lines 10-11, "said advancing piston" lacks antecedent basis.

Art Unit: 3724

***Allowable Subject Matter***

3. Claims 20, 21, 35 and 36 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

***Response to Arguments***

4. Applicant's arguments filed October 6, 2003 have been fully considered but they are not persuasive.

Regarding applicant's argument that Wingen does not meet the claims, the Examiner respectfully disagrees. It is emphasized that the Examiner's position is not the Wingen operates in the same manner as the present invention, but rather Wingen meets the claimed limitations as currently presented in the claims rejected therewith. More specifically, Wingen discloses a pressing device (e.g., 19) in the form of an abutment that presses on the spring. The pressing device of Wingen, as modified in the rejection, is adjustable and thus could be adjusted outwardly to neutralize the force of the spring. Further, such an adjustable component is decoupled from the spring, at least to the extent as the pressing device and spring are decoupled as shown in Figure 1 of the present invention. It is respectfully submitted that the prior art still teaches and/or suggests all of the claimed limitations and thus the rejection must be maintained.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (703)308-1404. The examiner can be reached Monday through Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (703)308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cfd  
April 19, 2004